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I hereby certify that this correspondence is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

~~Nancy Foster~~

## PATENT

Customer Number 22,852

Attorney Docket No. 7414.0101-17000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Mail Stop Patent Application**

## Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

## Prior Application Art Unit: 1637

Prior Application Examiner: Kenneth R. HORLICK

SIR: This is a request for filing a Continuation Application under 37 C.F.R. § 1.53(b) of pending prior Application No. 10/167,337, filed June 10, 2002, of Paul D. GROSSMAN et al., for PROBE COMPOSITION AND METHOD.

1.  Enclosed is a complete copy of prior U.S. Application No. 10/167,337 as originally filed on June 10, 2002, including drawings. Also enclosed is a copy of the Patent Application Declaration and Power of Attorney filed June 10, 2002, in U.S. Application No. 10/167,337. Also enclosed is a copy of the Associate Power of Attorney or Authorization of Agent, which was filed August 6, 2003, in U.S. Application No. 10/167,337.
2.  Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3.  Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
4.  A Preliminary Amendment is enclosed.

5.  The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 above.

The filing fee is calculated as follows:

Basic Application Filing Fee				\$770	\$770.00
	Number of Claims	Basic	Extra Claims		
Total Claims	32	-	20	12	x \$18 \$216.00
Independent Claims	4	-	3	1	x \$86 \$86.00
<input type="checkbox"/> Presentation of Multiple Dep. Claim(s)				+\$290	
Subtotal					\$1,072.00
Reduction by 1/2 if small entity					-
TOTAL APPLICATION FILING FEE					\$1,072.00

6.  Please do not charge the filing fee to Deposit Account No. 06-0916.

7.  A check in the amount of \$[Fee] to cover the filing fee is enclosed.

8.  The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.

9.  This application will be completed in accordance with 37 C.F.R. § 1.53(f) upon receiving a Notice to File Missing Parts of Application. Applicants await notification from the U.S. Patent and Trademark Office of the time set for filing the Filing Fee.

10.  Since applicants intend the present continuation application to include the disclosures of parent Application Nos. 10/167,337, 09/580,680, 09/111,632, 08/643,709, 08/102,372, 07/973,118, 07/866,018, and 07/862,642, those applications have been incorporated by reference into this application in an abundance of caution in the event that any of the disclosure of those applications is inadvertently omitted in this submission.

11.  New formal drawings are enclosed.

12.  The prior application is assigned of record to: Applera Corporation

13.  Priority of Application No. [Text], filed on [Text] in [Country] is claimed under 35 U.S.C. § 119. A certified copy  
     is enclosed or  is on file in the prior application.

14.  A verified statement claiming small entity status  
     is enclosed or  is on file in the prior application.

15.  The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvoold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Roger D. Taylor, Reg. No. 28,992; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanho Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33, 921; James B. Monroe,

Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Lori Ann Johnson, Reg. No. 34,498; R. Bruce Bower, Reg. No. 37,099; John Rissman, Reg. No. 33,764; Therese A. Hendricks, Reg. No. 30,389; Leslie I. Bookoff, Reg. No. 38,084; Michele C. Bosch, Reg. No. 40,524; Michael J. Flibbert, Reg. No. 33,234; Scott A. Herbst, Reg. No. 35,189; Leslie A. McDonell, Reg. No. 34,872; Thalia V. Warnement, Reg. No. 39,064; Ronald A. Bleeker, Reg. No. 27,773; Kathleen A. Daley, Reg. No. 36,116; C. Gregory Gramenopoulos, Reg. No. 36,532; Anthony M. Gutowski, Reg. No. 38,742; Yitai Hu, Reg. No. 40,653; Lionel M. Lavenue; Reg. No. 46,859; Christine E. Lehman, Reg. No. 38,535; and Patrick J. Coyne, Reg. No. 31,821; F. Leslie Bessinger, III, Reg. No. 39,108; Houtan K. Esfahani, Reg. No. 41,893; Esther H. Lim, Reg. No. 41,994; Michael A. Morin, Reg. No. 40,734; and Erik R. Puknys, Reg. No. 40,132.

- 16.  The power appears in the original declaration of the prior application.
- 17.  Since the power does not appear in the original declaration, a copy of the Associate Power of Attorney or Authorization of Agent filed in prior Application No. 10/167,337 is enclosed.
- 18.  Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852**.
- 19.  Recognize as associate attorney \_\_\_\_\_
- 20.  Also enclosed is \_\_\_\_\_

**PETITION FOR EXTENSION.** If any extension of time is necessary for the filing of this application, including any extension in the parent Application No. 10/167,337, filed June 10, 2002, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 06-0916.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 14, 2004

By: Michael R. Albrecht  
Michael R. Albrecht  
Reg. No. 54,956